

Remarks

Claims 1-15, inclusive, are under consideration.

Claims 1, 5 are amended.

Applicants gratefully acknowledge withdrawal of all rejections under 35 U.S.C. 103(a) and withdrawal of the rejection of claims 1-15 under the second paragraph 35 U.S.C. §112 set forth in subsections b-c and e-i of the previous Office Action.

Claims 1-15 stand rejected under the second paragraph of 35 U.S.C. §112.

Claim 1 was rejected for including the phrase "in which each chain" in line 4 of the claim in step (a). According to the Office Action, this renders the claim indefinite because "only one chain is constructed." Claims 2-4 depend on claim 1, and were presumably rejected for the same reason. Claim 1 has been amended to clarify that the first human antibody heavy or light chain library of step (a) consists of *antibody heavy chains or antibody light chains* (i.e., multiple light chains or multiple heavy chains) and that each chain *in the library* has at least one complementarity determining region (CDR) loop from a mouse antibody that is flanked by unaltered human framework residues. Step (b) was amended in the same manner for consistency. Support for this amendment was inherent in original claim 1, since a *library* of chains necessarily includes more than one chain. In addition, support is found on page 9, lines 3-17, in which the library is described as a library of antibody heavy chains (plural) or light chains (plural). No new matter is added by this amendment. Accordingly, claims 1-4 are definite, and the rejection with respect to these claims should be withdrawn.

Claims 5-15 were rejected as indefinite for being incomplete method claims, since claim 5 did not include a final step referring back to the preamble. Claim 5 is amended to make the final step of the method refer back to the preamble and recite the isolation of the humanized mouse monoclonal antibody heavy and light chain pairs that bind the preselected antigen. In order to provide clear antecedent basis, claim 5 is also amended to clarify that the heavy chains and light chains of the pairs are humanized mouse heavy chains and light chains (i.e., the include human derived segments and mouse derived segments. Support for the amendments can be found in the original claim, which states that the light chains and heavy chains have a mouse CDR loop flanked by unaltered human framework residues and in the

specification at page 9, line 18 through page 10, line 5. No new matter is added by these amendments.

Claims 12 and 13 stand rejected under the first paragraph of 35 U.S.C. §112 for not including a statement from the Applicants or an attorney of record regarding restrictions upon public access to the hybridoma deposited with the ATCC under the Budapest Treaty. Applicants hereby state that LM609 is an antibody produced by Hybridoma Accession No. HB 9537, which was deposited with the ATCC and was accepted on September 15, 1987 by the ATCC (an International Depository Authority) under the provisions of the Budapest Treaty. All restrictions upon public access to the deposited material will be irrevocably removed upon the grant of a patent on this application. A copy of ATCC Form BP 5/9 and a copy of a further communication from ATCC were attached to the previous Office Action. Applicants deem the above statement sufficient to overcome the rejection.

The present amendments to the claims and the accompanying discussion and statements regarding the Budapest Treaty deposit are believed to dispose of all issues in this case and to place this application in condition for allowance. Withdrawal of finality, reconsideration, and allowance of all claims is solicited. In the event the foregoing is not deemed persuasive, Applicants request that the amendment be entered to place the case in better form for appeal.

Respectfully submitted,

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